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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Denmark

1. The Committee considered the initial report of Denmark (CRC/C/8/Add.8) at its 199th to 201st meetings (CRC/C/SR.199, 200, and 201), held on 19 and 20 January 1995 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the Government of Denmark of written replies to its written list of issues. It notes with satisfaction that the supplementary information provided by the delegation and its involvement in matters related to the Convention made it possible to engage in a constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the measures taken by the Government of Denmark since the entry into force of the Convention in 1991 to promote and protect the rights of children. In this connection, the Committee welcomes the adoption of a law which makes it illegal to possess child pornography. It also welcomes the proposed amendment to the legislation relating to rules on joint custody, visitation rights and other related matters.

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* At the 208th meeting, held on 26 January 1995.

4. The Committee is encouraged to note the existence of the Government's Children's Committee and the Inter-ministerial Committee on Children which is composed of civil servants from 16 Ministries. The Committee welcomes the preparation in 1994 by the Children's Committee of an action plan to address the problems facing the weakest and most vulnerable groups of children in Denmark. It is further noted that this action plan contemplates the development of projects to address these issues through interdisciplinary cooperation within each municipality.

5. The Committee also expresses its appreciation that a government policy paper on "Human Rights and Democracy" prepared in June 1993, and of relevance to international development assistance, contained a chapter devoted to the problems facing children in developing countries.

6. Likewise, the Committee notes with appreciation the creation by the Government of Denmark of the Children's Council for an initial period of three years, which will, inter alia, reflect on and review the measures taken and the policies adopted to implement the provisions and principles of the Convention in the light of the changing situation of children.

7. The Committee also welcomes the appointment of a board for ethnic equality which has been established pursuant to Act No. 466 of 30 June 1993. The Committee is further encouraged by the proposals of the Government's City Committee to establish a system of social assistance and legal information for refugee and immigrant children.

C. Principal subjects of concern

8. The Committee notes with concern that the State party made a reservation to article 40 (2) (b) (v) of the Convention, but also notes that the Government may reconsider that reservation.

9. The Committee is concerned about the adequacy of measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults alike.

10. The Committee is also concerned that certain provisions and principles of the Convention on the Rights of the Child, particularly those guaranteed in articles 3, 12, 13 and 15, have not been adequately reflected in national legislation and policy-making.

11. Concerning the right of a child to know his or her origins, the Committee notes a possible contradiction between this provision of the Convention and the policy of the State party with respect to artificial insemination.

12. The Committee expresses its concern at the high percentage of single parent families and notes the need for special programmes and services to provide the necessary care for children from such families.

13. The Committee is also concerned about the application of the law and policy concerning children seeking asylum, particularly with regard to methods

of interviewing children, including unaccompanied minors, and to ensuring that applications for the purpose of family reunification are dealt with in a positive, humane and expeditious manner.

14. The Committee notes that all children who have had their asylum requests rejected but who remain in the country have had their rights to health care and education provided de facto but not de jure. It is the view of the Committee that this situation is not fully compatible with the provisions and principles of articles 2 and 3 of the Convention.

15. The Committee also wishes to express its concern about the occurrence of the sexual exploitation of children and the problem of child labour.

D. Suggestions and recommendations

16. The Committee wishes to encourage the State party to consider the possibility of withdrawing its reservation to the Convention, and would like to be kept informed of developments on this matter.

17. The information contained in paragraphs 14 to 21 of the report appears to indicate that the Convention on the Rights of the Child has not yet been established as the framework for the work of the Children's Committee and the Inter-ministerial Committee on Children. Thus, the Committee would like to suggest that the State party consider according such status to the Convention with regard to the work of these two Committees.

18. The Committee also wishes to suggest that national mechanisms established to coordinate, evaluate and follow up the policies and measures taken to implement the Convention on the Rights of the Child should work in close cooperation with local authorities and municipalities. In addition, the Committee wishes to encourage the Government of Denmark to consider strengthening its cooperation with non-governmental organizations involved in matters relating to the rights of the child.

19. In light of the provisions of articles 3 and 4 of the Convention, the Committee wishes to emphasize the importance of ensuring that resources are made available to the maximum extent possible for the implementation of the economic, social and cultural rights of children, especially for the most vulnerable groups of children. Monitoring mechanisms are essential in this area to ensure parity in all localities as regards the provision of services to children and the effects on children of any reductions in social expenditures, particularly during periods of economic recession. The Committee also suggests that the State party consider further strengthening international cooperation and assistance, particularly for the benefit of vulnerable groups such as disabled children and children needing special protection.

20. The Committee encourages the State party to consider the possibility of providing funding to the Children's Council to enable it to undertake independent studies on issues relating to children.

21. The Committee would like to suggest that various matters raised during the discussion might deserve further study, including the reasons for the

relatively high number of suicides among young people in Denmark and the development and use of social and other indicators to monitor the implementation of all the rights provided for in the Convention.

22. The Committee would like to encourage the State party to develop an ongoing and systematic approach to making the principles and provisions of the Convention widely known to children and adults alike. In addition, the Committee recommends that the principles and purposes of the Convention be made widely known in the main languages of the minority, refugee and immigrant groups living in Denmark.

23. In connection with the State party's ongoing efforts to create a greater awareness of the Convention, the Committee would also like to suggest that education about the principles and provisions of the Convention be systematically incorporated into retraining programmes and training curricula for various professional groups working with and for children such as teachers, social workers, law enforcement personnel and judges.

24. The Committee would like to emphasize that the general principles of the Convention, namely its articles 2, 3, 6, and 12, should be clearly reflected in legislation and policies. The Committee recommends to the State party that it consider the possibility of reviewing its legislation to ensure that the provisions and principles of the Convention, particularly those relating to its articles 3, 12, 13 and 15, are incorporated into national laws and procedures. In this connection, the Committee would like to suggest that further consideration be given to establishing mechanisms to ensure that children may express their views and have them taken into account in decision-making processes affecting them, including at school and within the community.

25. With regard to the implementation of article 2 of the Convention, the Committee suggests that further measures be taken to prevent and combat discrimination against vulnerable groups of children, including refugee and immigrant children and children infected by the HIV virus or suffering from AIDS.

26. The Committee recommends that further steps should be taken to strengthen awareness of the equal responsibilities of parents in child-rearing, in particular in the light of article 18 of the Convention. It is also suggested that the situation of single parents be further studied and that relevant programmes be established to meet their particular needs.

27. The Committee encourages the Government to take steps to monitor more closely the situation of foreign children placed in adoptive families in Denmark. In addition, it recommends that the State party consider the possibility of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

28. The Committee would also like to suggest that further measures be taken effectively to put an end to violence against children, including in the home.

29. In view of the recent adoption by the General Assembly of resolution 49/184 proclaiming the United Nations Decade for Human Rights

Education, the Committee encourages the State party to consider using this opportunity to promote the incorporation of education about the Convention on the Rights of the Child in school curricula. The Committee would also like to suggest that measures to teach about children's and human rights could be used as a tool to advocate further the purposes of the European Youth Campaign, and the parallel Nordic campaign to combat racism, xenophobia, anti-Semitism and intolerance. It is also the view of the Committee that it is equally important that the teaching methods used in schools should reflect the spirit and philosophy of the Convention and the aims of education laid down in its article 29.

30. With regard to the situation of refugee children and children seeking asylum, the Committee suggests that the State party consider reviewing its Alien Act as regards its compatibility with the provisions and principles of the Convention, including that contained in its article 10 which stipulates that applications for family reunification should be dealt with in a positive, humane and expeditious manner. Similarly, with regard to the provision of health and education services to children in asylum-seeking situations, the Committee wishes to draw attention to the provisions of article 2 of the Convention which state, inter alia, that "States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction".

31. The Committee suggests that the State party consider reviewing its juvenile justice system in order to ensure that proceedings against persons under 18 years of age are fully compatible with the provisions of article 40 of the Convention.

32. The Committee recommends that the State party undertake further measures to implement the provisions of articles 32, 34 and 39 of the Convention relating to the prevention and protection of children from economic and sexual exploitation and their rehabilitation and recovery. Specifically, with regard to the issue of child labour, the Committee encourages the Government to consider the possibility of ratifying ILO Convention No. 138 concerning minimum age for employment.

33. Finally, the Committee appreciates the willingness of the Government of Denmark to publish the initial report of Denmark, the summary records of the meetings of the Committee in which the report was examined and the concluding observations of the Committee on the report, and recommends that these documents be disseminated as widely as possible in Denmark.

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